

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Steven Scott HUBER

Docket Number: 2:99CR00424-02

Offender Address: Penn Valley, California

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 12/12/2001

Original Offense: 21 USC 843(b) - Use of Communication Facility to Facilitate the Commission of a Drug Trafficking Crime (CLASS D FELONY)

Original Sentence: 48 months custody Bureau of Prisons; 12 months Supervised Release; \$10,000 fine; \$100 special assessment

Special Conditions: Warrantless search; Not dispose of or otherwise dissipate assets until fine is paid in full, unless with prior Court approval; Financial disclosure; Shall not incur new credit charges or open additional lines of credit without the approval of the probation officer; Participate in substance abuse treatment program (inpatient or outpatient) including testing and with a co-payment of \$5 per month as directed by the probation officer; Not possess or have access to any paging device or cellular phone without the advance permission of the probation officer, and shall provide all billing records for such devices (whether used for business or personal) to the probation officer upon request; Shall register as required in the jurisdiction which he resides as a drug offender.

Type of Supervision: Supervised Release

RE: Steven Scott HUBER
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Supervision Commenced: 10/25/2004

Assistant U.S. Attorney: Mary L. Grad **Telephone:** (916) 554-2700

Defense Attorney: Victor M. Perez **Telephone:** (559) 625-2626
Retained

Other Court Action:

08/15/2005: Prob 12A1 - Report of Offender Termination of Supervision: Court approved plan for outstanding fine balance upon termination of supervision on October 24, 2005.

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. ILLICIT DRUG USE (08/12 through 08/26/2005)

Details of alleged non-compliance: On August 18, 2005, Mr. Huber submitted a urine specimen to Community Recovery Resources in Grass Valley, California, which subsequently tested positive for THC metabolites, indicating marijuana use. When confronted by the probation officer with the positive test, Mr. Huber made a full admission of his conduct, stating that between August 12, and August 26, 2005, he twice smoked marijuana in a social situation. He made no excuses for his conduct and acknowledged he had made a very poor decision. He made a commitment to totally refrain from any further use of controlled substances or associating with people using controlled substances, and will comply with any other directives of the probation officer or the Court.

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United States Probation Officer Plan/Justification: Mr. Huber will be subject to increased random drug testing and substance abuse counseling as deemed necessary, as an immediate sanction for his non-compliance. Over the course of supervision, he has maintained clear conduct in all other areas, including stable residence and employment, working two jobs. He has remained cooperative with the probation officer and truthful about his activities, including the instant violation. He makes regular payments on his fine balance, as previously reported to the Court.

As an aside, the Court is asked to take judicial notice that it has been ascertained that while Mr. Huber was in the custody of the Bureau of Prisons, he made payments toward his fine in the amount of \$3,175, which were previously not accounted for by the Clerk's Office. This will reduce his estimated fine balance at the end of supervision to \$4,275.

Mr. Huber has been put on notice that any further non-compliance on his part will result in Court action requesting much more serious sanctions or revocation. With these facts in mind, it is respectfully recommended that the Court take judicial notice of Mr. Huber's situational marijuana use, approve the plan set in place by the probation officer, and take no further action at this time, pending his completion of supervision on October 24, 2005.

Respectfully submitted,

/s/ Thomas H. Brown

THOMAS H. BROWN
United States Probation Officer
Telephone: (916) 786-6147

DATED: September 6, 2005
Roseville, California
thb:cd

REVIEWED BY: _____ /s/ Richard A. Ertola
RICHARD A. ERTOLA

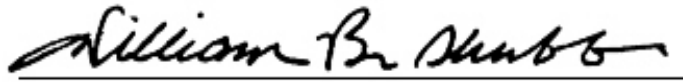
Supervising United States Probation Officer

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THE COURT ORDERS:

(x) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.

Date: September 9, 2005



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

cc: United States Probation
Mary L. Grad, Assistant United States Attorney
Victor M. Perez, Retained Defense Attorney

Attachment: Presentence Report (Sacramento only)